

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 325 of 1986
with
CIVIL APPLICATION No 2402 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PARVEZ H BHAGVAGAR

Versus

MAZDA CONSTRUCTION CO

Appearance:

MR MC BHATT for Petitioners

MS VASUBEN P SHAH for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 08/09/97

ORAL JUDGEMENT

This appeal is directed against the order dated September 22, 1986, passed by the learned Civil Judge (Senior Division), Surat, below interim injunction application ex. 73 in Special Civil Suit No. 53 of 1985.

2. By the aforesaid application, the plaintiffs had

prayed that the defendants be restrained from transferring the flat on the 4th floor (western side) of Jupiter Apartment, at Surat. The trial court granted ad-interim injunction as prayed for on March 12, 1986. After hearing the parties, the trial court dismissed the application and vacated the ad-interim injunction.

3. While admitting the appeal against the above order, this Court granted interim relief in terms of para 7(A) of Civil Application No. 2402 of 1986 after hearing the learned counsel for the respondents on October 21, 1986.

4. The above interim relief has thus been operating for the last 11 years and the suit is pending since 1985. Under the circumstances, it appears to the Court to be just and proper to direct the trial court to hear and decide the suit by March 31, 1998 and also to continue the interim relief granted on October 21, 1986 as the interim relief during the pendency of the suit.

5. The appeal as well as the Civil Application are accordingly disposed in terms of the aforesaid directions with no order as to costs.

6. Registry shall send writ to the trial court immediately.

Amp/-